In the Supreme Court of the United States

OCTOBER TERM, 1933

No. 977

BRITISH-AMERICAN TOBACCO COMPANY, LTD., petitioner

v.

GUY T. HELVERING, COMMISSIONER OF INTERNAL REVENUE

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE RESPONDENT

The question raised in the present petition is the same as that involved in the Government's petition in *Helvering* v. *Stockholms Enskilda Bank,* No. 895, October Term, 1933. The decision below is in conflict with the decision of the Court of Appeals of the District of Columbia in the *Stockholms Enskilda Bank* case, 68 F. (2d) 407. Consequently, we do not oppose the granting of the writ of certiorari in this case, although we contend that the decision below is correct.

Respectfully submitted.

J. CRAWFORD BIGGS,
Solicitor General.

APRIL 1934.

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